

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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U.S. BANK NATIONAL ASSOCIATION,	:	
	:	
Plaintiff,	:	Civil Action No.
	:	14-cv-4703-SJF(GRB)
-against-	:	
	:	
SUN LIFE ASSURANCE COMPANY OF	:	
CANADA,	:	
	:	
Defendant.	X	

**PLAINTIFF U.S. BANK NATIONAL ASSOCIATION AND
DEFENDANT SUN LIFE ASSURANCE COMPANY OF CANADA’S
JOINT REQUEST FOR ADJOURNMENT OF PRETRIAL CONFERENCE
SCHEDULED FOR MARCH 24, 2016**

Plaintiff, U.S. Bank National Association (“U.S. Bank”) and Defendant, Sun Life Assurance Company of Canada (“Sun Life”), by and through their undersigned attorneys and pursuant to the Court’s rules and procedures, respectfully and jointly request an adjournment of the pretrial conference with the Court currently scheduled for March 24, 2016, as well as of the submission of the pretrial order required to be submitted fifteen days prior to the conference. In support thereof, the parties state as follows:

1. On May 26, 2015, the Court scheduled a pretrial conference before Judge Sandra J. Feuerstein for March 24, 2016, at 11:15 am. [Dkt. No. 31.] Pursuant to the Judge Feuerstein’s rules and procedures, the parties are required to submit a joint pretrial order, which includes a statement of stipulated facts, a schedule of exhibits, and a witness list, fifteen days prior to the conference (i.e., on March 9, 2016).

2. On February 22, 2016, the parties submitted and filed their fully briefed cross-motions for summary judgment pursuant to the Court's "bundle rule." [Dkt. Nos. 51-70.] The parties' submissions are voluminous, consisting of approximately 150 pages of legal argument and briefing and thousands of pages of exhibits and supporting documents. *Id.*

3. On February 26, 2016, the parties' summary judgment motions were referred to Magistrate Judge Gary R. Brown. On February 29, 2016, Judge Brown ordered the parties to submit courtesy copies of the parties' motion papers. The parties have complied with that order and submitted courtesy copies of the motion papers and exhibits earlier this week.

4. The parties expect that their summary judgment motions may resolve some or all of the significant legal and factual questions at issue in this case, thus significantly narrowing the issues for trial.

5. Accordingly, the parties respectfully request that the pretrial conference be adjourned until the Court has had an opportunity to consider and rule on the parties' summary judgment motions. Such adjournment would allow an opportunity for the legal and factual issues for trial to be narrowed and/or resolved prior to the submission of their pretrial order and/or the pretrial conference. The adjournment will also allow the parties to efficiently focus their efforts on the issues to be tried and will narrow the issues to be considered by the Court at the pretrial conference.

6. The parties have not previously requested any adjournment of the pretrial conference, and this request is brought in good faith and not for any dilatory purpose.

Dated: March 3, 2016

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

By: /s/ John Bloor

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